

BERTIL A. GRANBERG

IBLA 70-539

Decided September 1, 1972

Appeal from decision (F 12300) by the Alaska state office, Bureau of Land Management, rejecting oil and gas lease offer.

Affirmed.

Oil and Gas Leases: Generally -- Oil and Gas Leases: Applications:
Generally -- Oil and Gas Leases: Lands Subject to

Where by Public Land Order 3521 an area of public land has been declared to be unavailable for noncompetitive oil and gas leasing until certain steps have been taken, and the requisite steps have not been taken, the land is not subject to oil and gas leasing and an offer for it is properly rejected.

Rules of Practice: Appeals: Hearings

A request for a hearing and motions for certain pretrial procedures will be denied where the record contains the public land status information necessary for proper legal determinations, and no useful purpose would be served by a hearing.

APPEARANCES: William B. Murray Esq., for appellant.

OPINION BY MRS. LEWIS

This is an appeal by Bertil A. Granberg from the decision of March 26, 1970, by the Alaska state office, Bureau of Land Management, rejecting his oil and gas lease offer for Secs. 15, 19, 20, and 21, T. 9 N., R. 33 E., U.M., Alaska, filed under the Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 181 et seq. (1970).

The offer was rejected in its entirety because it embraces lands included partly within Public Land Order 715 and entirely within Public Land Orders 2214 and 3521. The decision states:

Public Land Order 715, dated April 20, 1951, withdrew lands from "all forms of appropriation under

the public land laws, including the mining and mineral leasing laws" and reserved them for military purposes.

Public Land Order No. 2214, December 6, 1960, established the Arctic National Wildlife Range. Regulation 43 CFR 3120.3-3(c) [1/] would therefore control mineral leasing.

Public Land Order No. 3521, January 5, 1965 (30 F.R. 271), subjected all of the land in the Arctic Wildlife Range, and other land, to further restrictions on leasing and directed that none of the lands it covered shall be subject to leasing until leasing maps are prepared, filed, and published, and a period for the simultaneous filing of offers to lease established.

The requisite steps required by PLO 3521 have not been taken so far as the lands here [are] concerned; nor have the lands been classified and published pursuant to 43 CFR 3120.3-3(c).

Briefly, appellant's appeal may be summed up as a general denial that the lands involved are included within Public Land Orders 715, 2214, and 3521, and that the said orders validly affect the lands.

Insofar as the offer covers lands subject to leasing by the United States, the reasons quoted above are valid reasons for rejecting the offer. However, it is sufficient to point out that the lands are subject to the conditions of PLO 3521 and that their leasing for oil and gas is governed by its terms. As the procedures set forth in PLO 3521 as a prerequisite for leasing have not been carried out for the lands applied for by appellant, they are not subject to oil and gas leasing and the offer was properly rejected. See Carlson Oil Company Inc., 2 IBLA 378 (1971); Mark B. Ringstad et al., Inlet Oil Corporation et al., Robert L. Lawler et al., A-31111, A-31115, A-31134, A-31188 (March 17, 1970).

Appellant also filed motions with this Board for a hearing and certain pretrial procedures but has offered no reasons to warrant a hearing. The record contains the public land status information necessary for the legal determinations made herein,

^{1/} Since recodified as 43 CFR 3101.3-2(a) and (b) (1972).

and no useful purpose would be served by a hearing. See Starling Brokers et al., 6 IBLA 237 (1972); Chris Palzer et al., 6 IBLA 248 (1972). Therefore, the motions are denied.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed.

Anne Poindexter Lewis
Member

We concur:

Douglas E. Henriques
Member

Joan B. Thompson
Member

